

House Resolution 1216

By: Representatives Graves of the 12th, Rogers of the 26th, Davis of the 122nd, Martin of the 47th, Lewis of the 15th, and others

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for income tax relief in the event of a budget surplus; to provide for a short title; to provide for definitions; to provide for excess revenues; to provide for the authority of the General Assembly with respect to the foregoing; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Constitution is amended by adding a new Article IXA to read as follows:

"ARTICLE IXA.

TAXPAYER DIVIDEND AMENDMENT OF 2008

Paragraph I. **Definitions.** As used in this article, the term:

(1) 'Fiscal year' means the state fiscal year specified under Article III, Section IX, Paragraph II(b).

(2) 'Fiscal year spending' means the total amount of moneys appropriated in the General Appropriations Act by the General Assembly and recommended by the Governor as determined by the revenue estimate under Article III, Section IX, Paragraph IV(b) except:

(A) Appropriations funded by moneys received from the federal government;

(B) Appropriations funded by discretionary user charges to the extent that such charges do not exceed the cost of the goods or services;

(C) Proceeds of gifts or bequests made for purposes specified by the donor;

(D) Lottery funds;

(E) Motor fuel tax proceeds;

(F) Tobacco settlement funds; and

(G) Care management organization fees and nursing home provider fees.

Paragraph II. ***Excess revenues.*** For any fiscal year that commences on or after July 1, 2010, if the amount of state revenues exceeds the amount of fiscal year spending for that fiscal year, the excess amount of such state revenues shall be expended by the General Assembly in the following order of priority with an item being fully funded before any funds are expended for the next following item:

(1) An appropriation funding unaccounted for increases in student enrollment for local school systems;

(2) An appropriation of excess revenues to the Revenue Shortfall Reserve to the extent necessary to ensure that the fund balance is equal to 8 percent of the fiscal year spending for the previous fiscal year; and

(3) The increase, by general law, of the personal tax exemption from Georgia income tax.

Paragraph III. ***Revenue Shortfall Reserve.*** Appropriations from the Revenue Shortfall Reserve may be made only for one-time expenditures and not for ongoing programs or continuing expenditures. Any appropriation from the fund shall require a general law adopted by a two-thirds' vote of each house of the General Assembly.

Paragraph IV. ***Implementation.*** The General Assembly shall provide by general law for such matters as may be necessary to implement and enforce the provisions of this article."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide for income
() NO tax relief in the event of a budget surplus through limitations on the use of
excess revenues?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.